

ENTERED

March 12, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MELODY D. MCGOWAN,

Plaintiff,

VS.

ANDREW SAUL,
Commissioner of the Social Security
Administration,

Defendant.



















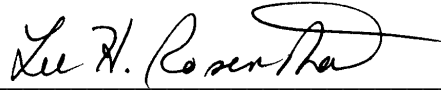
CIVIL ACTION NO. H-20-282

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION, DENYING THE
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT, GRANTING
THE PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT, AND REMANDING**

This court has reviewed the Memorandum and Recommendation on Cross-Motions for Summary Judgment of the United States Magistrate Judge signed on January 6, 2021, and made a *de novo* determination. Fed. R. Civ. P. 72(b) ; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court’s Memorandum and Order. This court finds and concludes that the Administrative Law Judge’s decision denying social security benefits was not supported by substantial evidence in the record and that the Administrative Law Judge’s decision on McGowan’s Residual Functional Capacity was not supported by substantial evidence. McGowan’s motion for summary judgment, (Docket Entry No. 10), is granted, and the Commissioner’s cross-motion for summary judgment, (Docket Entry No. 11), is denied. This matter is remanded under sentence four of 42 U.S.C. § 405(g), with instructions to the Administrative Law Judge to further develop the record consistent with this order.

An order of dismissal is separately entered.

SIGNED on March 10, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large loop at the end of the last name.

Lee H. Rosenthal
Chief United States District Judge